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10/719,889	11/21/2003	David Millary	107586-60010	1436
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ONE GATEWAY CENTER			GRAHAM, CLEMENT B	
NEWARK, NJ 07102				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

thibbits@gibbonslaw.com  
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IPDocket@gibbonslaw.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/719,889	<b>Applicant(s)</b> MILLARY ET AL.
	<b>Examiner</b> Clement B. Graham	<b>Art Unit</b> 3696

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 03 September 2008.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-13 and 15-25 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-13 and 15-25 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/96/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

**DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/3/2008 has been entered.
2. Claims 1-13, 15-25 remained pending in this application.

3. **35 U.S.C. 101 reads as follows:**

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-2, 6, 8-15, are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Applicant's claims are directed to an algorithm. Specifically, claim 1 recites "tracking", "communicating with database", however these steps are mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, for example) and abstract ideas without a practical application are found to be non-statutory subject matter. Therefore, Applicant's claims are non-statutory as they do not produce a useful, concrete and tangible result.

*Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-13, 15-25, are rejected under 35 U.S.C. 103(a) as being unpatentable over Fitzgerald et al (Hereinafter Fitzgerald U.S Pub: 2003/0191669 A1) in view of Fitzgerald et al (Hereinafter Fitzgerald1 U.S Pub: 2003/0195771).

As per claim 1, Fitzgerald discloses an integrated point of service transaction management system, use by at least one health care service provider comprising:  
at least two points of service within a single provider;

at least one terminal at each of the at least two points of service at the single provider (see column 1 para 0005 column 2-4 para 0015-0026 and column 7 claim 1) at least one transaction database for tracking, by the single health care service provider remotely from each of the at least one terminal, at least one customer of the single health care service provider, overdue self payments due from the at least one customer single health care service provider, and overdue self payments of the at least one customer due to the single provider, (see column 1 para 0005 column 2-4 para 0015-0026 and column 7 claim 1)  
wherein the single health care service provider provides at least one new service transaction at each of the at least two points of service, and wherein each of the at least one new service transactions is rendered to at least one of the at least one customer;  
wherein the at least one terminal communicates with the at least one database via at least one network to provide, within the at least one database, a tracking correlating the at least one customer and the at least one new service transaction rendered to the at least one customer.. (see column 1 para 0005 column 2-4 para 0015-0026 and column 7 claim 1).

Fitzerald fail to explicitly teach wherein the tracking correlates to an increased collection rate of at least one of the overdue self payments and the overdue payments .

However Fitzgerald1 discloses wherein said rules processor initiates application of rules derived from said rules source to process data concerning provision of said individual service to said patient by examining a billing record to determine if no payment has been made by a healthcare payer organization within a predetermined period in response to receiving said message identifying said event, and said result processor, in response to said derived result, initiates actions to collect said overdue payment.(see para 0022 and claim 5).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Fitzgerald to include wherein the tracking correlates to an increased collection rate of at least one of the overdue self payments and the overdue self payments taught by Fitzgerald1 in order to provide a system that responds to and initiates clinical events during a patient healthcare encounter cycle to improve claim accuracy prior to claim submission to a healthcare payer institution or other entity, according to invention principles.

As per claim 2, Fitzgerald discloses wherein the single provider is a health care facility. (see column 1 para 0005 column 2-4 para 0015-0026 and column 7 claim 1). As per claim 3, Fitzgerald discloses further comprising a registration, wherein the registration of the customer occurs at one of the at least one terminals, and wherein said at least one database stores registration information, associated with the customer, as entered by a user of the at least one terminal. (see column 1 para 0005 column 2-4 para 0015-0026).

As per claim 4, Fitzgerald discloses further comprising an account manager, wherein the registration information stored in the at least one database is accessible and manipulable via the account manager. (see column 1 para 0005 column 2-4 para 0015-0026 ).

As per claim 5, Fitzgerald discloses wherein the registration is imported from a second remote database. (see column 1 pars 0005 column 2-4 pars 0015-0026 and column 7 claim 1).

As per claim 6, Fitzgerald discloses further comprising a payment collection system, wherein the customer is requested to select to self pay or co-pay, and is requested to select a payment method for entry to the at least one database, by the payment collection system. (see column 1 pars 0005 column 2-4 pars 0015-0026 and column 7 claim 1).

As per claim 7, Fitzgerald discloses wherein the payment method is validated in real time via the at least one network, and wherein the payment method is selected from the group consisting of cash, check, credit card, and debit card, and wherein the validation is recorded in the at least one database. (see column 1 para 0005 column 2-4 para 0015-0026).

As per claim 8, Fitzgerald discloses further comprising at least one administrator communicatively connected to each of said at least two terminals via the network, wherein the at least one database is batch updated with data from each of the at least two terminals in real time at a predetermined interval determined by the at least one administrator. (see column 1 pars 0005 column 2-4 pars 0015-0026).

As per claim 9, Fitzgerald discloses wherein the at least one new service rendered to the customer is written to the at least one database and correlated with the customer. (see column

1 pars 0005 column 2-4 para 0015-0026 and column 7 claim 1).

As per claim 10, Fitzgerald discloses further comprising an administrator, wherein users of the system are assigned at least one level of access in the administrator. (see column 1 pars 0005 column 2-4 para 001517-0026 and column 7 claim 1).

As per claim 11, Fitzgerald discloses further comprising a reporting system, wherein a user is provided access to the at least one database for retrieving at least one of the group consisting of customer records, service provider records, and administrative records. (see column 1 para 0005 column 2-4 pars 0015-0026 and column 7 claim 1).

As per claim 12, Fitzgerald discloses wherein the at least one terminal accepts information via at least one of a keypad, touchscreen, and card reader. (see column 1 para 0005 column 2-4 para 0015-0026).

As per claim 13, Fitzgerald discloses a computer-readable medium for an integrated point of service transaction management system, the computer readable medium having thereon resident at least one program comprising instructions, which instructions, when executed by a computer processor, perform the steps of:

accessing at least one terminal at each of at least two points of service at the single health care service provider(see column 1 para 0005 column 2-4 para 001517-0026) and providing access to at least one remote database by the single health care service provider via the at least one terminal;

wherein the single health care provider provides at least one differentiable service at each of the at least two points of service, and wherein each of said at least one differentiable service is rendered to a customer;

wherein the at least one terminal communicates with the at least one database via at least one network to track at least two of the at least one service rendered to the customer, overdue self payments due from the customer for a first of the differentiable services, overdue self payments due from a customer for a second of the differentiable services, past overdue self payments from the customer for a first of the differentiable services, and past due payments from the customer for a second of the differentiable services, wherein the tracking (i. e, "monitoring") correlates to an increased collection rate of at least one of the overdue self

payments and the past due payments (see column 1 para 0005 column 2-4 para 0015-0026 and column 7 claim 1).

As per claim 15, Fitzgerald discloses further comprising registering, wherein registering of a user occurs at the at least one terminal via entry of the user into a registration system, and wherein said at least one database stores registration information of the user entered. (see column 1 para 0005 column 2-4 para 0015-0026 and column 7 claim 1).

As per claim 16, Fitzgerald discloses further comprising managing, wherein the registration information stored in the at least one database is accessible and manipulable via the managing. (see column 1 para 0005 column 2-4 para 0015-0026 and column 7 claim 1).

As per claim 17, Fitzgerald discloses wherein the registering is imported from a remote foreign database. (see column 1 para 0005 column 2-4 para 0015-0026).

As per claim 18, Fitzgerald discloses further comprising a payment collecting, wherein the customer is requested to select a payment method and to self pay or co-pay, via the payment collection system, and is requested to select whether discounts are applied. (see column 1 para 0005 column 2-4 para 0015-0026).

As per claim 19, Fitzgerald discloses wherein the payment method is validated in real time via the at least one network, and wherein the payment method is selected from the group consisting of cash, check, credit card, and debit card. (see column 1 para 0005 column 2-4 para 0015-0026).

As per claim 20, Fitzgerald discloses wherein the at least one database is batch updated in real time at a predetermined interval. (see column 1 para 0005 column 2-4 para 0015-0026 and column 7 claim 1).

As per claim 21, Fitzgerald discloses wherein the at least one service rendered to the customer is written to the at least one database. (see column 1 para 0005 column 2-4 para 0015-0026 and column 7 claim 1).

As per claim 22, Fitzgerald discloses further comprising administrating, wherein users of the system are assigned at least one level of access within the administrating, and wherein the administrating monitors the at least one database. (see column 1 para 0005 column 2-4 para 0015-0026 and column 7 claim 1).

As per claim 23, Fitzgerald discloses further comprising reporting, wherein said user may access the at least one database for retrieving at least one of the group consisting of customer records, service provider records and administrative records. (see column 1 para 0005 column 2-4 para 001517-0026 and column 7 claim 1).

As per claim 24, Fitzgerald discloses wherein the at least one terminal accepts information via at least one of a keypad, touch screen, and card reader. (see column 1 para 0005 column 2-4 para 0015-0026 and column 7 claim 1).

As per claim 25, Fitzgerald discloses an integrated point of service patient transaction management system, comprising:

at least two points of service within a single health care service provider;  
at least one terminal at each of the at least two points of service at the single provider, wherein a patient service is offered at a first of the terminals, and wherein a non-patient service is offered at a second of the terminals(see column 1 para 0005 column 2-4 para 0015-0026 and column 7 claim 1).

and at least one transaction database for tracking, remotely from each of the terminals, at least one customer of the single health care service provider, and at least one transaction selected from the group consisting of patient service overdue self payments due from the at least one customer at the single health care service provider, non- patient service overdue self payments from the at least one customer at the single health care service provider, overdue non-patient service overdue self payments of the at least one customer due to the single provider, and overdue patient service payments of the at least one customer due to the single provider(see column 1 para 0005 column 2-4 para 001517-0026 and column 7 claim 1) wherein the terminals communicate with the at least one database via at least one network to provide, to the health care service provider, within the at least one database, a tracking (i. e, "monitoring") correlating the at least one customer to the at least one transaction. (see column 1 para 0005 column 2-4 para 00150026 and column 7 claim 1).

### **Conclusion**

### **RESPONSE TO ARGUMENTS**

6. Applicants arguments filed 9/3/08 has been fully considered but they are not persuasive for the following reasons.

In response to Applicant's arguments that Fitzgerald and Fitzgerald1 fail to teach or suggest ", at least two points of service within a single provider, at least one terminal at each of the at least two points of service at the single provider at least one transaction database for tracking, by the single health care service provider remotely from each of the at least one terminal, at least one customer of the single health care service provider, overdue self payments due from the at least one customer single health care service provider, and overdue self payments of the at least one customer due to the single provider, wherein the single health care service provider provides at least one new service transaction at each of the at least two points of service, and wherein each of the at least one new service transactions is rendered to at least one of the at least one customer; wherein the at least one terminal communicates with the at least one database via at least one network to provide, within the at least one database, a tracking correlating the at least one customer and the at least one new service transaction rendered to the at least one customer wherein the tracking correlates to an increased collection rate of at least one of the overdue self payments and the overdue payments the examiner disagrees with Applicant's because these limitations were addressed as stated.

Fitzgerald discloses at least two points of service within a single provider; at least one terminal at each of the at least two points of service at the single provider (see column 1 para 0005 column 2-4 para 0015-0026 and column 7 claim 1) at least one transaction database for tracking, by the single health care service provider remotely from each of the at least one terminal, at least one customer of the single health care service provider, overdue self payments due from the at least one customer single health care service provider, and overdue self payments of the at least one customer due to the single provider, (see column 1 para 0005 column 2-4 para 0015-0026 and column 7 claim 1) wherein the single health care service provider provides at least one new service transaction at each of the at least two points of service, and wherein each of the at least one new service transactions is rendered to at least one of the at least one customer; wherein the at least one terminal communicates with the at least one database via at least one network to provide, within the at least one database, a tracking correlating the at least one

customer and the at least one new service transaction rendered to the at least one customer (see column 1 para 0005 column 2-4 para 0015-0026 and column 7 claim 1).

Fitzerald1 discloses wherein said rules processor initiates application of rules derived from said rules source to process data concerning provision of said individual service to said patient by examining a billing record to determine if no payment has been made by a healthcare payer organization within a predetermined period in response to receiving said message identifying said event, and said result processor, in response to said derived result, initiates actions to collect said overdue payment.(see para 0022 and claim 5).

Therefore it is obviously clear that Applicant's claimed limitations were addressed within the teachings of Fitzgerald and Fitzgerald1.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B. Graham whose telephone number is 571-272-6795. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thom Dixon can be reached on 571-272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Frantzy Poinvil/  
Primary Examiner, Art Unit 3696

CG  
Nov 5, 2008

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